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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/195,105	11/18/1998	PAUL A. FRANCISCO	2434.114	3966
23117	7590	04/12/2005	EXAMINER	
NIXON & VANDERHYE, PC 1100 N GLEBE ROAD 8TH FLOOR ARLINGTON, VA 22201-4714				ROBINSON BOYCE, AKIBA K
ART UNIT		PAPER NUMBER		
		3639		

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/195,105	FRANCISCO ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Akiba K Robinson-Boyce	3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 24 January 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### **Status of Claims**

1. Due to communications filed 1/24/05, the following is a non-final office action. Claim 15 has been added. Claims 1-15 are now pending in this application and have been examined on the merits. The previous rejection has been maintained except for the rejection given to newly added claim 15.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 1/24/05 has been entered.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 3 , 4, 5, 7, 8, 9, 10, 11, 12, 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cretzler (US Patent 5,644,724). Cretzler teaches a point-of-sale tax collection system and method where taxes are remitted and collected in real time at point-of-sale locations.

As per claim 1, Cretzler discloses:

at least one tax register located at a merchant or retailer location, said at least one tax register for processing consumer sales transaction data at the retailer location and...(Col. 4, lines 16-19)...computing use tax data to be indicated to an appropriate state agency...(Col.. 4, lines 25-26, Col. 6, lines 16-18)...said at least one tax register forwarding said transaction data and use tax data to one of the state agency and a credit card processing company fro processing wherein the transaction data includes at least an amount of money received by the merchant or retailer from the consumer for the goods ... (Col. 6, lines 19-31, where the credit card company of the present invention is analogous to the service bank of Cretzler);

a first computer and...disposed at the state agency, the first computer... for receiving and storing the forwarded...use tax data from one of the credit card processing company and a merchant at the retailer location; and...(col. 10, lines 28-29);

a first communication link connecting at least one of (I) the tax register at the retailer location and (ii) the credit card processing company, to the first computer and memory at the state agency, said first communication link for permitting the tax register or credit card company to forward the...use tax data to said first computer and memory

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so that the transaction data and the tax data from the retailer is automatically forwarded to the state agency and stored in the first memory in order to help enforce tax laws and prevent consumers or merchants from avoiding the payment of use tax...(Col. 3, lines 32-41, Col. 10, lines 30-33).

Cretzler does not specifically disclose the following,

Corresponding first memory

However a corresponding first memory is obvious with Cretzler's system because the tax information is already stored (See Col. 10, lines 16-18), therefore the computer must have a memory if it receives information that is already stored.

Cretzler does not specifically disclose the following:

A first computer and corresponding first memory disposed at the state agency, the first computer and memory for receiving and storing the forwarded transaction data.../Permitting the tax register or credit card processing company to forward the transaction data...to said first computer and memory so that the transaction data...is automatically forwarded to the state agency...

However, the above mentioned function is obvious with Cretzler's system because it is shown that the transaction data (including the amount of the transaction) is stored by a microcomputer after the user has received payment for the transaction in Col. 6, lines 56-58. Both the transaction data (including the amount of the transaction) and the tax data are then transferred from the point of sale to the merchant or service bank (See Col. 6, lines 57-59 w/ Col. 6, line 65-Col. 7, line 65-Col. 7, line 6). It would therefore be obvious to also transfer this information to the tax authority bank since the transaction data is already being transferred from the point of sale to the merchant or service bank and also because the pos, the merchant/service bank and the tax authority bank are on the same communication line (See Fig. 1). In addition, since Cretzler

teaches that the tax data (which is already associated with the transaction data, see col. 6, lines 16-18) is extracted from the transaction data by the merchant/service bank and transmitted to the tax authority, it is only logical that the transaction data can just be directly sent to the tax authorities without implementing the added step of extracting the tax data from the transaction data.

As per claim 2, Cretzler discloses:

wherein the consumer purchased goods with one of a credit card...(Abstract, lines 8-12).

As per claim 8, Cretzler discloses:

wherein said link includes one of a telephone line...(Fig. 1, (16)).

As per claims 3, 11, Cretzler fails to disclose:

wherein the first communication link is one of a digital packet...

Official notice is taken that it is old and well known in the electronic communications art to utilize a digital packet switched network or a satellite network for a communications network. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a digital packet switched network or a satellite network for a communications network because these type of networks are the most common and up-to-date resources for facilitating electronic communications. They allow fast, effective communication across wide area networks and vast geographical locations.

As per claims 4, 13, Cretzler discloses:

wherein the system includes means at the retailer location for accessing a credit card company in response to the transaction...(Col. 4, lines 37-41, and Col. 5, line 61-Col. 6, line 5);

The following is obvious with Cretzler because since the consumer is utilizing his or her credit card to carry out the transaction, he or she would therefore like the charges to

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occur on that transaction medium. In addition, Cretzler teaches that the service bank of the customer (analogous to the credit card company) sends an approval authorization for credit and debit transactions. In conventional systems, this approval implies charging the consumer's credit card for the transaction:

the credit card company automatically charges the consumer's credit card.../means for charging a credit card...

As per claim 5, Cretzler discloses:

further including means for allowing the credit card company to forward use tax charge to the consumer to the state agency...(Col. 4, lines 37-53, with col. 10, lines 35-41, Col. 5, line 61-Col. 6, line 5).

As per claims 7, 9, Cretzler discloses:

the...network for allowing/enabling a consumer to purchase goods over the...network for a retailer...(Col. 4, lines 16-24);

at least a first computer or register located at a merchant or retailer location, said first computer or register for processing consumer sales transaction data at the retailer location and...(Col. 4, lines 16-28, col. 9, lines 35-40)...forwarding use tax data and transaction data for a transaction to one of a state authorized agency and a credit card processing company where the transaction data includes at least an amount of money received by the merchant or retailer from the consumer for the transaction ... (Col. 6, lines 19-31, where the credit card processing company of the present invention is analogous to the service bank of Cretzler);

at least a second computer and corresponding memory disposed at the state authorized entity, the second computer and memory for receiving and storing forwarded use tax data...from one of the credit card processing company and a merchant at the retailer location; and...(Col. 10, lines 28-29);

a first communication link connecting at least one of (I)the first computer or register at the retailer location and (ii) the credit card processing company, to the second computer and memory at the state authorized agency, said first communication link for permitting the tax register or credit card company to forward the use tax data...to said second computer and memory whereby the tax data from the retailer is automatically forwarded to the state authorized entity and stored in the memory in order to help enforce tax laws and prevent consumers or merchants from avoiding the payment of use tax...(Col. 3, lines 32-41, Col. 10, lines 30-33).

Cretzler's fails to disclose the following:

a digital data network...

Official notice is taken that it is old and well known in the electronic communications art to utilize a digital data network for a communications network. It would have been obvious to one of ordinary skill in the art to utilize a digital data network for a communications network because these type of networks are the most common and up-to-date resources for facilitating any type of electronic communications including sales transactions since they allow fast, effective communication across wide area networks and vast geographical locations. In addition, Cretzler discloses a telephone network, which is analogous to a digital data network since telephone lines are no more than electronic data links for digital transmission.

The following is obvious with Cretzler's system because in Cretzler, the tax information is already stored (See Col. 10, lines 16-18), therefore the computer must have a memory if it is supposed to receive information that is already stored. In addition, it is essential that a computer have a memory in order to maintain data for various communication applications:

corresponding memory...

The following is obvious with Cretzler's system because it is shown that the transaction data (including the amount of the transaction) is transferred from the point of sale to the merchant or service bank (See Col. 6, lines 57-59 w/ Col. 6, line 65-Col. 7, line 65-Col. 7, line 6). It is therefore inherent to also transfer this information to the tax authority bank since the pos, the merchant/service bank and the tax authority bank are on the same communication line and the transaction data (including the amount of the transaction) is already being transferred from the point of sale to the merchant or service bank. In addition, since Cretzler teaches that the tax data (which is already associated with the transaction data, see col. 6, lines 16-18) is extracted from the transaction data by the merchant/service bank and transmitted to the tax authority, it is only logical that the transaction data can just be sent to the tax authorities without implementing the added step of extracting the tax data from the transaction data:

At least a second computer and corresponding memory disposed at the state authorized entity, the second computer and memory for receiving and storing forwarded...transaction data...

Permitting the first computer or register, or the credit card processing company to forward the...transaction data...to said second computer and memory...

As per claim 10, Cretzler discloses:

wherein the first computer or register comprises tax data...(Col. 4, lines 16-28, col. 9, lines 35-40).

As per claim 12, Cretzler fails to teach the following:

wherein the state authorized entity is a State Treasury...

Official notice is taken that it is old and well known in the tax collection art for the state authorized entity to be the State Treasury. It would have been obvious to one of ordinary skill in the art for the state authorized entity to be the State Treasury because

the State Treasury is one of the most popular and well known entities which collects taxes from both people and businesses. The state treasury is an essential part of the economic makeup of the country and in order to continue functionality is required to collect taxes.

As per claim 14, Cretzler discloses:

Wherein the tax register comprises a PC-based point-of-sale system including a keyboard, credit card reader, bar code reader and receipt printer...(Abstract, line 3 and Col. 6, lines 23-28, [card reader, keypad]).

As per claim 15, Cretzler discloses:

Wherein the register comprises a declining register, (Col. 6, lines 29-35, where the system causes a message "Declined" to be displayed and declines the current transaction).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cretzler (US Patent 5,644,724) in further view of Golden, et al (US Patent 5,774,872).

As per claim 6, Cretzler fails to teach the following, however Golden, et al discloses:

further including means for issuing a tax stamp receipt to a consumer...(Abstract, lines 17-19).

It would have been obvious to one of ordinary skill in the art to include means for issuing a tax stamp receipt to a consumer in order to provide some type of evidence that the consumer actually paid what her or she owes.

#### ***Response to Arguments***

6. Applicant's arguments filed 1/24/05 have been fully considered but they are not persuasive.

The applicant argues that Cretzler relates to a system that merely sends the total sum of taxes collected to a tax authority bank and fails to disclose or suggest sending transaction data (including \$ received by a merchant or retailer) along with tax data to a state agency. However, as disclosed in the previous rejection, Cretzler discloses this feature by showing that after the user enters the amount of the transaction, which serves as transaction data, the amount of taxes for that transaction is computed in col. 6, lines 16-18. Cretzler also discloses that both the amount of the transaction (transaction data) and the collected amount of taxes are stored by microcomputer, and if the user decides to transmit the stored data, he can send it to the merchant banks as shown in col. 6, line 56-Col. 7, line 6. If this transaction data can be transferred to the merchant banks through a telephone network as shown in Fig. 1, this data can also be transferred to the tax authority bank since it is on the same communication line as the merchant or service bank. It would therefore be obvious to transfer the transaction data to the tax authorities as well. In addition, since Cretzler teaches that the tax data (which is already associated with the transaction data, see col. 6, lines 16-18) is extracted from the transaction data by the merchant/service bank and transmitted to the tax authority, it is only logical that the transaction data can just be directly sent to the tax authorities without implementing the added step of extracting the tax data from the transaction data. In other words, since the tax data comes from the transaction data, the tax data is also transaction data, therefore, Cretzler shows that transaction data is transmitted to the tax authority.

For these reasons, claims 1, 9 and all of the claims that depend from them remain rejected.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 703-305-1340. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*ARB*  
A. R. B.  
March 22, 2005

*[Signature]*  
TARIQ R. HAFIZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600